



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.5	Subject: EMPLOYEE PRIVACY AND RECORD KEEPING
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 4
Section 3: Human Resources Bureau	Effective Date: July 1, 1997
Signature: /s/ Mike Ferriter, Director	Revision Date: 07/26/06

I. POLICY

The Department of Corrections will protect the privacy of its employees by restricting personnel information to that required for business, legal, or contractual purposes, and limiting internal access to supervisory staff with a job-related need to know. The Department will only release confidential information from the personnel files externally with the employee's consent or to comply with requirements established by Montana Operations Manual 3-0110. To assure openness, employees may have access to and include comments regarding information in their own personnel file.

II. APPLICABILITY

All Department divisions, facilities, and programs.

III. REFERENCES

- A. 3-0110; *Montana Operations Manual*
- B. 4-4067, -4068, -4070; *ACA Standards for Adult Correctional Institutions, 4th Edition*; 3-JTS-1C-21, 3-JTS-1C-22, 3-JTS-1C-24; *ACA Standards for Juvenile Correctional Facilities, 2003*

IV. DEFINITIONS

Access – Permission to view and use records.

Confidential Record – A record to which there is restricted access.

Document – An object upon which information is written, transcribed, or recorded.

Employee Personnel Record – Information relating to an individual's employment with the State of Montana, and which is appropriate for preservation as evidence of employment policies, practices, and decisions. An Employee Personnel Record may be a paper document or it may be information maintained in an information system.

Employee Payroll Record – The record maintained by the payroll unit related to employee pay, benefits, and hours worked (see V.A.2).

Record – A body of recorded information which may be manually or electronically recorded and maintained.

V. DEPARTMENT DIRECTIVES

A. Collection of Personnel Information

Policy No. DOC 1.3.5	Chapter 1: Administration and Management	Page 2 of 4
Subject: EMPLOYEE PRIVACY AND RECORD KEEPING		

1. The Human Resources Bureau will maintain one personnel record for each employee. Employee personnel records include, but are not limited to, the following:
 - hire letters
 - State application form
 - internal application form
 - signed ethics policy
 - policy sign-off forms
 - performance evaluations and employee rebuttal statements
 - disciplinary documents
 - documents relating to personal problems which required employer intervention or affected an employee's ability to perform job-related duties
 - letters of recognition
 - alternate work schedules
 - resignation letters
2. The Payroll Department will maintain one payroll record for each employee. Examples of employee payroll records include but are not limited to the following:
 - payroll documents
 - time and attendance reports
 - sick leave fund vouchers
 - health insurance forms
 - retirement and deferred compensation enrollment forms
 - unemployment insurance claims
 - documents of previous employment which affect employee benefits
 - marriage certificates, birth certificates, military discharge papers, or other personal documents needed for the administration of employee benefits

B. Investigation and Grievance Information

1. An employee's personnel file will not include documents developed as part of an investigation or grievance. However, letters relating to the outcome of an investigation or grievance which involve discipline or adjustments in pay or leave credits may be entered into the personnel file. Other investigation and grievance information will be kept in confidential files other than the personnel file with access controlled by the Human Resources Bureau.

C. Reference Check Forms and Conviction Record Information

1. Information relating to experience, background checks, and conviction records are confidential and are not available for the applicant or employee to review since the information was given in confidence. Such information will not become part of the employee's personnel file but will remain in a confidential recruitment and selection file. Access to the recruitment and selection file will be controlled by the Human Resources Bureau.

D. Employee Medical Records and Workers' Compensation Information

Policy No. DOC 1.3.5	Chapter 1: Administration and Management	Page 3 of 4
Subject: EMPLOYEE PRIVACY AND RECORD KEEPING		

1. Information collected with respect to medical examinations and inquiries must not be part of the employee's personnel file. Such information can be collected and utilized but must be kept in a separate file in compliance with the American Disabilities Act of 1990. Access to employee medical files will be determined by the Human Resources Bureau.

E. Inappropriate Information in Personnel Files

1. The following information is inappropriate for inclusion in a permanent personnel or payroll file:
 - a. any information concerning an employee's family members. The exception to this rule will be group insurance enrollment forms, PERS forms, decedent's warrants, and life insurance forms;
 - b. undocumented or speculative information concerning an employee's personal, business, or professional activities;
 - c. information on credit worthiness or personal financial information. An exception may be a request from a lending institution to verify salary and potential for continued employment; and
 - d. social security numbers will not be used for internal or external identification. They will be maintained and used only to meet government and legal requirements.

F. Supervisory Notes

1. Supervisory notes will be maintained *in compliance with DOC Policy 1.3.39, Supervisory Notes*.

G. Access to Personnel File

1. Each employee's personnel file is confidential, and access is restricted to the following for job-related purposes only:
 - a. the employee;
 - b. the direct supervisor;
 - c. those employees above the direct supervisor in the direct line of managerial authority;
 - d. members of the Human Resources Bureau and EEO Officer;
 - e. legal counsel representing the Department;
 - f. a supervisor considering the employee for a promotion or transfer;
 - g. legislative auditors;
 - h. human rights investigators;
 - i. State Personnel Division;
 - j. employee representatives with written permission of the employee;
 - k. the Department may authorize access by others for purposes of conducting an investigation that may result in civil or criminal prosecution; and
 - l. in addition to the people listed above, members of the payroll department may have access to the employee's payroll file.

H. Employee Access to Personnel Files

1. Any employee, or employee representative with written permission from the employee, may have access during normal business hours to his or her personnel file. An employee

Policy No. DOC 1.3.5	Chapter 1: Administration and Management	Page 4 of 4
Subject: EMPLOYEE PRIVACY AND RECORD KEEPING		

may not check out or remove records or the file from the Human Resource office. The employee may request a reasonable number of copies of specific records which will be provided at no cost. If the employee requests a complete copy of an extensive personnel file, a charge may be made for the labor and copies involved.

I. Employee Correction or Dispute of Record

1. An employee has the right to request correction or deletion of incomplete or inaccurate information. Changes and/or deletions will only be made with the approval of the immediate supervisor. In cases of disagreement, the employee has the right to add a statement of disagreement to the file.

J. Disclosure of Employee Information and Public Information

1. The employee's position, title, dates and duration of employment, and salary are public information and must be released upon request. All requests for information about a current, retired, or terminated employee must be sent directly to the Human Resource office. The Human Resource office will only release employee information in accordance with Montana Operations Manual guidelines.

K. Protection of Confidentiality

1. Employee personnel files are to be kept in the facility or program Human Resource office. File cabinets, storage systems and/or electronic files containing personnel records are to be secured.

VI. CLOSING

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Questions concerning this policy should be directed to the Human Resources Bureau.